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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,956	09/23/2003	Haiyou Wang	17462-6	4774

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EXAMINER

NGUYEN, CAM N

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,956

Applicant(s)

WANG ET AL.

Examiner

Cam N Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review* (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date July 12, 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choudhary et al., "hereinafter Choudhary", (US Pat. 5,756,421) in view of Richter et al., "hereinafter Richter", (US Pat. 3,674,710).

Choudhary discloses a process of catalyzing a conversion of methane in a reactant mixture by passing over a composite catalyst at a gas hourly space velocity, pressure, and a reaction temperature of about 445°C to synthesis gas, etc., and the catalyst composite consisting of transitional and alkaline earth metal oxides and having the formula: T_mAO_n , wherein T is a transitional element selected from the group consisting of Ni, Co, Pd, Ru, Rh, Ir and mixtures thereof, wherein m is a mole ratio equal to T/A, said mole ratio being about 0.01 to about 10; wherein A is an alkaline earth element selected from the group consisting of Mg, Ca, Ba, Sr, and mixtures thereof; wherein O is oxygen and n is a number of oxygen atoms needed to complete the valence requirement of the transitional and alkaline earth elements in the catalyst (see col. 13- col. 14, claim 1). The

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conversion of methane can be carried out a temperature as high as 851°C (see Examples 15-18).

Choudhary discloses a process of decomposing methane using a catalyst composition containing Ni and Mg, and the claimed Ni to Mg mole ratios, except for the “percent weight of Ni being ranging from about 15% to 95% in the metallic state and greater than 25% in the active state” (as specified in claim 1).

However, it would have been *prima facie obvious* to one of ordinary skill in the art at the time the invention was made to have optimized the nickel concentrations in the process of Choudhary in order to achieve an effective catalyst or a catalyst composition having the desired Ni concentrations because it is known in Richter to produce a catalyst having Ni in the amount of up to 89.5% by weight (see Richter at col. 6, claim 2, & see also claims 3-7).

With respect to the claimed methane conversion temperatures, it is considered the claimed temperatures are met by the teaching of the reference since they fall within the disclosed temperature range (see Choudhary Examples 15-18).

3. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choudhary et al., “hereinafter Choudhary”, (US Pat. 5,756,421) in view of Richter et al., “hereinafter Richter”, (US Pat. 3,674,710) and Bournonville et al., “hereinafter Bournonville”, (US Pat. 4,380,673).

Choudhary discloses a process of catalyzing a conversion of methane,

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and in view of Richter for the teaching of the Ni concentration for the catalyst composition as discussed above, except for the "Cu", and the "molar ratio of Ni to Cu".

However, it would have been *prima facie obvious* to one of ordinary skill in the art at the time the invention was made to have incorporated Cu into the catalyst composition of Choudhary in order to achieve an improved catalyst having higher catalytic activity because it is known in the art to add additional metal component, such as Cu, to the nickel catalyst to result in a catalytic reaction catalyst, as evidenced by Bournonville (see Bournonville at col. 11, claim 1).

Citations

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form prepared attached. All references are cited for related art.

Conclusion

5. Claims 1-13 are originally pending in the application. Claims 1-13 are rejected. No claims are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cam Nguyen, whose telephone

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number is (571) 272-1357. The examiner can normally be reached on M-F from 9:30 am. to 6:00 pm.


The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to telephone number (571) 272-1700.

Nguyen/cnn



December 04, 2004


CAM N. NGUYEN
PRIMARY EXAMINER

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